

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT CODE 12		PAGE OF PAGES 1 3	
2. AMENDMENT/MODIFICATION NO. 55		3. EFFECTIVE DATE 09/24/04		4. REQUISITION/PURCHASE REQ. NO.		5. PROJECT NO. (If applicable)	
6. ISSUED BY CODE		PS22-MCN		7. ADMINISTERED BY (If other than Item 6)		CODE PS22	
Procurement Office George C. Marshall Space Flight Center National Aeronautics and Space Administration Marshall Space Flight Center, AL 35812				MSFC Adm: 22-MCN/Anna Stovall 256-544-0741 anna.c.stovall@nasa.gov AUTOMATED INVOICE PAYMENT INFORMATION: (256) 544-5566			
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State, and Zip Code) Hernandez Engineering, Inc. 16055 Space Center Boulevard, Suite 725 Houston TX 77062				(x)		9A. AMENDMENT OF SOLICITATION NO.	
						9B. DATED (SEE ITEM 11)	
				X		10A. MODIFICATION OF CONTRACT/ORDER NO. NAS8-00179	
						10B. DATED (SEE ITEM 13) 10/01/00	
CODE		FACILITY CODE 2Y303					
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS							
<input type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers <input type="checkbox"/> is extended, <input type="checkbox"/> is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:							
(a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.							
12. ACCOUNTING AND APPROPRIATION DATA (If required)							
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.							
(x)		A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.					
		B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14.					
X		C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: Option to Extend the Term of the Contract clause, Limitation of Funds clause, and the Fair Labor Standards Act and Service Contract Act-Price Adjustment clause					
		D. OTHER (Specify type of modification and authority)					
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input checked="" type="checkbox"/> is required to sign this document and return 3 copies to the issuing office.							

	<u>Provisional Est. Cost</u>	<u>Negotiated Est. Cost</u>	<u>Potential Award Fee</u>	<u>Earned Metric Eval. Fee</u>	<u>Earned Performance Eval. Fee</u>	<u>Contract Value</u>	<u>Total Sum Allotted</u>
Previous	\$1,391,957	\$35,496,018	\$ 729,673	\$519,343	\$840,494	\$38,977,485	\$38,977,485
This Mod	(1,391,957)	9,091,301	556,406	-0-	-0-	8,255,750	-0-
New Total	\$ -0-	\$44,587,319	\$1,286,079	\$519,343	\$840,494	\$47,233,235	\$38,977,485

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) David A. losco Contracting Officer	
15B. CONTRACTOR/OFFEROR	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA /s/ original signed by David A. losco BY	16C. DATE SIGNED 09/24/04
(Signature of person authorized to sign)		(Signature of Contracting Officer)	

1. The purpose of this modification is to exercise Option No. 4 to extend the contract period of performance by one year through September 30, 2005, at an increase in the estimated cost, potential award fee, and contract value of \$9,091,301, \$556,406, and \$9,674,707, respectively. Therefore, the contractor shall perform the work called for in Attachment J-1, Performance Work Statement, during the period of performance for Option Year 4, which commences on October 1, 2004 and continues through September 30, 2005. This modification is also to decrease the provisional estimated cost by \$1,391,957 because the basis for which the estimated cost was provisionally increased no longer exists as a result of exercising Option No. 4. Therefore, the net increase in the contract value is \$8,255,750 (\$9,674,707 - \$1,391,957). In addition, this contract is to extend the estimated funding coverage date from September 30, 2004 through November 3, 2004 in accordance with the contractor's email message dated September 20, 2004. Furthermore, this modification is to incorporate Wage Determination No. 1994-2008, Revision No. 21, into the contract. This wage determination takes effect on October 1, 2004. Accordingly, the contract is changed in the following particulars. All changes are indicated in **BOLD**.
2. Clause B.2, CONTRACT COST AND FEES, paragraphs (b) and (c) are hereby deleted in their entirety and the following is substituted in lieu thereof:

B.2 CONTRACT COST AND FEES

"(b) A summary of the estimated cost and fees for the performance of work under this contract is as follows:

	<u>Previous Amount</u>	<u>Adj. This Mod</u>	<u>New Total</u>
Provisional Est. Cost	\$ 1,391,957	\$(1,391,957)	\$ -0-
Estimated Cost	35,496,018	9,091,301	44,587,319
Potential Award Fee(s)	729,673	556,406	1,286,079
Potential Performance Eval. Fee (60%)	437,803	333,844	771,647
Potential Metrics Eval. Fee (40%)	291,870	222,562	514,432
Earned Performance Eval. Fee	840,494	-0-	840,494
Earned Metric Eval. Fee	<u>519,343</u>	<u>-0-</u>	<u>519,343</u>
Total	\$38,977,485	\$8,255,750	\$47,233,235

(c) Estimated cost and fees applicable to each option period are set forth below:

<u>Option No.</u>	<u>Period Covered</u>	<u>Estimated Cost</u>	<u>Provisional Estimated Cost</u>	<u>Potential Performance Evaluation Fee</u>	<u>Potential Metrics Evaluation Fee</u>	<u>Total Option Value</u>
1	10/01/01-09/30/02	\$7,863,911	-0-	\$280,979	\$134,761	\$ 8,279,651
2	10/01/02-09/30/03	9,185,356	-0-	330,555	224,867	9,740,778
3	10/01/03-09/30/04	11,922,423	-0-	437,803	291,870	\$12,652,096
4	10/01/04-09/30/05	9,091,301	-0-	333,843	222,563	9,647,707

(End of clause)"

3. Clause B.5, CONTRACT FUNDING, (1852.232-81) (JUN 1990) is hereby deleted in its entirety and the following is substituted in lieu thereof:

"B.5 CONTRACT FUNDING (1852.232.-81) (JUN 1990)

- (a) For the purposes of payment of cost, exclusive of fee, in accordance with the Limitation of Funds clause, the total amount allotted by the Government to this contract is \$36,921,533. This allotment is for efforts required under Sections A through J inclusive of this contract and covers the estimated period of performance from October 1, 2000, through **November 3, 2004**.
- (b) An additional amount of \$2,055,952 is obligated under this contract for payment of fee.
- (c) Recapitulation of funding is as follows:

	<u>Previous</u>	<u>This Action</u>	<u>Total</u>
Estimated Cost	\$36,921,533	\$ -0-	\$36,921,533
Provisional Award Fee	696,115	-0-	696,115
Earned Award Fee	1,359,837	-0-	1,359,837
Performance Eval Fee	840,494	-0-	840,494
Metrics Eval. Fee	519,343	-0-	519,343
Total Sum Allotted	\$38,977,485	\$ -0-	\$38,977,485

(End of clause)"

4. Clause F.2 PERIOD OF PERFORMANCE, paragraph (a) is deleted in its entirety and the following is substituted in lieu thereof:

"Clause F.2 PERIOD OF PERFORMANCE

- (a) The period of performance of this contract shall be from October 1, 2000, through **September 30, 2005.**"

(End of clause)"

5. The attached Wage Determination No. 1994-2008, Revision No. 21, is hereby added to Attachment J-3, Wage Determinations.

Attachment J-3

REGISTER OF WAGE DETERMINATIONS UNDER
THE SERVICE CONTRACT ACT
By direction of the Secretary of Labor

U.S. DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
WAGE AND HOUR DIVISION
WASHINGTON D.C. 20210

ORIGINAL SIGNED BY:
William W. Gross Division of
Director Wage Determinations

Wage Determination No.: 1994-2008
Revision No.: 21
Date Of Revision: 08/11/2004

States: Alabama, Tennessee

Area: Alabama Counties of Colbert, Franklin, Jackson, Lauderdale, Lawrence,
Limestone, Madison, Marion, Marshall, Morgan, Winston
Tennessee Counties of Giles, Lawrence, Lincoln, Moore, Wayne

****Fringe Benefits Required Follow the Occupational Listing****

OCCUPATION CODE - TITLE

MINIMUM WAGE RATE

01000 - Administrative Support and Clerical Occupations

01011 - Accounting Clerk I	9.64
01012 - Accounting Clerk II	11.61
01013 - Accounting Clerk III	13.41
01014 - Accounting Clerk IV	16.77
01030 - Court Reporter	15.71
01050 - Dispatcher, Motor Vehicle	15.10
01060 - Document Preparation Clerk	12.41
01070 - Messenger (Courier)	7.40
01090 - Duplicating Machine Operator	12.41
01110 - Film/Tape Librarian	10.72
01115 - General Clerk I	8.65
01116 - General Clerk II	9.73
01117 - General Clerk III	10.42
01118 - General Clerk IV	12.48
01120 - Housing Referral Assistant	17.51
01131 - Key Entry Operator I	9.37
01132 - Key Entry Operator II	11.16
01191 - Order Clerk I	10.22
01192 - Order Clerk II	13.88
01261 - Personnel Assistant (Employment) I	10.09
01262 - Personnel Assistant (Employment) II	13.30
01263 - Personnel Assistant (Employment) III	14.86
01264 - Personnel Assistant (Employment) IV	16.09
01270 - Production Control Clerk	16.25
01290 - Rental Clerk	10.72
01300 - Scheduler, Maintenance	13.93
01311 - Secretary I	13.93
01312 - Secretary II	15.71
01313 - Secretary III	17.51
01314 - Secretary IV	20.04
01315 - Secretary V	21.92
01320 - Service Order Dispatcher	12.80
01341 - Stenographer I	13.44
01342 - Stenographer II	15.24
01400 - Supply Technician	20.04
01420 - Survey Worker (Interviewer)	14.94
01460 - Switchboard Operator-Receptionist	10.37
01510 - Test Examiner	15.71

01520 - Test Proctor	15.71
01531 - Travel Clerk I	8.98
01532 - Travel Clerk II	9.51
01533 - Travel Clerk III	10.14
01611 - Word Processor I	11.31
01612 - Word Processor II	12.69
01613 - Word Processor III	14.19
03000 - Automatic Data Processing Occupations	
03010 - Computer Data Librarian	11.87
03041 - Computer Operator I	12.66
03042 - Computer Operator II	16.09
03043 - Computer Operator III	17.75
03044 - Computer Operator IV	21.67
03045 - Computer Operator V	23.99
03071 - Computer Programmer I (1)	18.33
03072 - Computer Programmer II (1)	21.97
03073 - Computer Programmer III (1)	26.22
03074 - Computer Programmer IV (1)	27.62
03101 - Computer Systems Analyst I (1)	27.10
03102 - Computer Systems Analyst II (1)	27.62
03103 - Computer Systems Analyst III (1)	27.62
03160 - Peripheral Equipment Operator	12.66
05000 - Automotive Service Occupations	
05005 - Automotive Body Repairer, Fiberglass	17.50
05010 - Automotive Glass Installer	15.94
05040 - Automotive Worker	15.94
05070 - Electrician, Automotive	16.73
05100 - Mobile Equipment Servicicer	14.45
05130 - Motor Equipment Metal Mechanic	17.50
05160 - Motor Equipment Metal Worker	15.94
05190 - Motor Vehicle Mechanic	15.98
05220 - Motor Vehicle Mechanic Helper	12.52
05250 - Motor Vehicle Upholstery Worker	15.22
05280 - Motor Vehicle Wrecker	15.94
05310 - Painter, Automotive	15.28
05340 - Radiator Repair Specialist	15.94
05370 - Tire Repairer	12.75
05400 - Transmission Repair Specialist	17.50
07000 - Food Preparation and Service Occupations	
(not set) - Food Service Worker	7.65
07010 - Baker	10.35
07041 - Cook I	8.31
07042 - Cook II	9.34
07070 - Dishwasher	7.57
07130 - Meat Cutter	11.28
07250 - Waiter/Waitress	6.82
09000 - Furniture Maintenance and Repair Occupations	
09010 - Electrostatic Spray Painter	17.56
09040 - Furniture Handler	13.94
09070 - Furniture Refinisher	17.56
09100 - Furniture Refinisher Helper	14.41

09110 - Furniture Repairer, Minor	15.98
09130 - Upholsterer	17.56

11030 - General Services and Support Occupations

11030 - Cleaner, Vehicles	8.16
11060 - Elevator Operator	8.06
11090 - Gardener	12.11
11121 - House Keeping Aid I	7.13
11122 - House Keeping Aid II	8.62
11150 - Janitor	8.06
11210 - Laborer, Grounds Maintenance	10.00
11240 - Maid or Houseman	6.63
11270 - Pest Controller	11.00
11300 - Refuse Collector	9.28
11330 - Tractor Operator	12.08
11360 - Window Cleaner	8.24

12000 - Health Occupations

12020 - Dental Assistant	13.22
12040 - Emergency Medical Technician (EMT)/Paramedic/Ambulance Driver	13.07
12071 - Licensed Practical Nurse I	11.37
12072 - Licensed Practical Nurse II	12.77
12073 - Licensed Practical Nurse III	14.30
12100 - Medical Assistant	9.81
12130 - Medical Laboratory Technician	13.21
12160 - Medical Record Clerk	11.28
12190 - Medical Record Technician	13.60
12221 - Nursing Assistant I	8.09
12222 - Nursing Assistant II	9.09
12223 - Nursing Assistant III	9.92
12224 - Nursing Assistant IV	11.13
12250 - Pharmacy Technician	12.24
12280 - Phlebotomist	11.89
12311 - Registered Nurse I	18.03
12312 - Registered Nurse II	22.06
12313 - Registered Nurse II, Specialist	22.06
12314 - Registered Nurse III	26.69
12315 - Registered Nurse III, Anesthetist	26.69
12316 - Registered Nurse IV	31.98

13000 - Information and Arts Occupations

13002 - Audiovisual Librarian	21.15
13011 - Exhibits Specialist I	17.77
13012 - Exhibits Specialist II	21.76
13013 - Exhibits Specialist III	26.45
13041 - Illustrator I	17.77
13042 - Illustrator II	21.76
13043 - Illustrator III	26.45
13047 - Librarian	20.12
13050 - Library Technician	14.67
13071 - Photographer I	13.01
13072 - Photographer II	15.02
13073 - Photographer III	17.99
13074 - Photographer IV	22.00
13075 - Photographer V	26.70

15000 - Laundry, Dry Cleaning, Pressing and Related Occupations

15010 - Assembler	6.94
15030 - Counter Attendant	6.94
15040 - Dry Cleaner	8.60
15070 - Finisher, Flatwork, Machine	6.94
15090 - Presser, Hand	6.94
15100 - Presser, Machine, Drycleaning	6.94
15130 - Presser, Machine, Shirts	6.94
15160 - Presser, Machine, Wearing Apparel, Laundry	7.32
15190 - Sewing Machine Operator	9.07
15220 - Tailor	9.48
15250 - Washer, Machine	7.51

19000 - Machine Tool Operation and Repair Occupations

19010 - Machine-Tool Operator (Toolroom)	19.44
19040 - Tool and Die Maker	23.71

21000 - Material Handling and Packing Occupations

21010 - Fuel Distribution System Operator	16.80
21020 - Material Coordinator	16.25
21030 - Material Expediter	16.25
21040 - Material Handling Laborer	10.29
21050 - Order Filler	10.87
21071 - Forklift Operator	14.82
21080 - Production Line Worker (Food Processing)	11.57
21100 - Shipping/Receiving Clerk	12.72
21130 - Shipping Packer	11.98
21140 - Store Worker I	9.75
21150 - Stock Clerk (Shelf Stocker; Store Worker II)	13.23
21210 - Tools and Parts Attendant	13.68
21400 - Warehouse Specialist	12.73

23000 - Mechanics and Maintenance and Repair Occupations

23010 - Aircraft Mechanic	22.24
23040 - Aircraft Mechanic Helper	17.44
23050 - Aircraft Quality Control Inspector	24.45
23060 - Aircraft Servicer	19.34
23070 - Aircraft Worker	20.27
23100 - Appliance Mechanic	18.04
23120 - Bicycle Repairer	14.66
23125 - Cable Splicer	19.76
23130 - Carpenter, Maintenance	17.56
23140 - Carpet Layer	17.29
23160 - Electrician, Maintenance	20.61
23181 - Electronics Technician, Maintenance I	16.30
23182 - Electronics Technician, Maintenance II	25.55
23183 - Electronics Technician, Maintenance III	26.62
23260 - Fabric Worker	16.54
23290 - Fire Alarm System Mechanic	18.79
23310 - Fire Extinguisher Repairer	15.72
23340 - Fuel Distribution System Mechanic	18.79
23370 - General Maintenance Worker	16.43
23400 - Heating, Refrigeration and Air Conditioning Mechanic	18.38
23430 - Heavy Equipment Mechanic	18.38
23440 - Heavy Equipment Operator	17.87
23460 - Instrument Mechanic	18.79

23470 - Laborer	10.01
23500 - Locksmith	18.04
23530 - Machinery Maintenance Mechanic	23.32
23550 - Machinist, Maintenance	16.92
23580 - Maintenance Trades Helper	14.41
23640 - Millwright	18.79
23700 - Office Appliance Repairer	18.04
23740 - Painter, Aircraft	17.56
23760 - Painter, Maintenance	17.56
23790 - Pipefitter, Maintenance	18.58
23800 - Plumber, Maintenance	17.75
23820 - Pneudraulic Systems Mechanic	18.79
23850 - Rigger	18.79
23870 - Scale Mechanic	17.29
23890 - Sheet-Metal Worker, Maintenance	18.38
23910 - Small Engine Mechanic	16.75
23930 - Telecommunication Mechanic I	18.38
23931 - Telecommunication Mechanic II	20.21
23950 - Telephone Lineman	18.38
23960 - Welder, Combination, Maintenance	18.38
23965 - Well Driller	18.79
23970 - Woodcraft Worker	18.79
23980 - Woodworker	16.43
24000 - Personal Needs Occupations	
24570 - Child Care Attendant	7.07
24580 - Child Care Center Clerk	8.83
24600 - Chore Aid	6.95
24630 - Homemaker	11.20
25000 - Plant and System Operation Occupations	
25010 - Boiler Tender	18.86
25040 - Sewage Plant Operator	17.87
25070 - Stationary Engineer	18.86
25190 - Ventilation Equipment Tender	14.85
25210 - Water Treatment Plant Operator	17.56
27000 - Protective Service Occupations	
(not set) - Police Officer	16.91
27004 - Alarm Monitor	11.83
27006 - Corrections Officer	14.08
27010 - Court Security Officer	13.17
27040 - Detention Officer	14.08
27070 - Firefighter	11.64
27101 - Guard I	9.95
27102 - Guard II	12.55
28000 - Stevedoring/Longshoremen Occupations	
28010 - Blocker and Bracer	15.78
28020 - Hatch Tender	15.78
28030 - Line Handler	15.78
28040 - Stevedore I	12.83
28050 - Stevedore II	15.54
29000 - Technical Occupations	
21150 - Graphic Artist	19.60

29010	- Air Traffic Control Specialist, Center (2)	30.05
29011	- Air Traffic Control Specialist, Station (2)	20.73
29012	- Air Traffic Control Specialist, Terminal (2)	22.83
29023	- Archeological Technician I	15.69
29024	- Archeological Technician II	17.56
29025	- Archeological Technician III	21.76
29030	- Cartographic Technician	22.32
29035	- Computer Based Training (CBT) Specialist/ Instructor	27.62
29040	- Civil Engineering Technician	20.75
29061	- Drafter I	13.99
29062	- Drafter II	15.69
29063	- Drafter III	17.77
29064	- Drafter IV	21.76
29081	- Engineering Technician I	12.79
29082	- Engineering Technician II	15.89
29083	- Engineering Technician III	19.09
29084	- Engineering Technician IV	26.34
29085	- Engineering Technician V	30.74
29086	- Engineering Technician VI	37.17
29090	- Environmental Technician	18.34
29100	- Flight Simulator/Instructor (Pilot)	30.38
29160	- Instructor	20.67
29210	- Laboratory Technician	16.09
29240	- Mathematical Technician	23.77
29361	- Paralegal/Legal Assistant I	14.55
29362	- Paralegal/Legal Assistant II	18.40
29363	- Paralegal/Legal Assistant III	22.45
29364	- Paralegal/Legal Assistant IV	27.17
29390	- Photooptics Technician	21.76
29480	- Technical Writer	23.07
29491	- Unexploded Ordnance (UXO) Technician I	19.14
29492	- Unexploded Ordnance (UXO) Technician II	23.15
29493	- Unexploded Ordnance (UXO) Technician III	27.74
29494	- Unexploded (UXO) Safety Escort	19.14
29495	- Unexploded (UXO) Sweep Personnel	19.14
29620	- Weather Observer, Senior (3)	18.79
29621	- Weather Observer, Combined Upper Air and Surface Programs (3)	18.39
29622	- Weather Observer, Upper Air (3)	18.39

31000 - Transportation/ Mobile Equipment Operation Occupations

31030	- Bus Driver	12.67
31260	- Parking and Lot Attendant	8.86
31290	- Shuttle Bus Driver	11.97
31300	- Taxi Driver	9.91
31361	- Truckdriver, Light Truck	11.97
31362	- Truckdriver, Medium Truck	14.75
31363	- Truckdriver, Heavy Truck	15.36
31364	- Truckdriver, Tractor-Trailer	15.36

99000 - Miscellaneous Occupations

99020	- Animal Caretaker	7.46
99030	- Cashier	7.87
99041	- Carnival Equipment Operator	8.83
99042	- Carnival Equipment Repairer	9.28
99043	- Carnival Worker	7.32
99050	- Desk Clerk	6.90
99095	- Embalmer	19.10

99300 - Lifeguard	10.04
99310 - Mortician	19.13
99350 - Park Attendant (Aide)	12.35
99400 - Photofinishing Worker (Photo Lab Tech., Darkroom Tech)	10.04
99500 - Recreation Specialist	11.14
99510 - Recycling Worker	11.11
99610 - Sales Clerk	9.79
99620 - School Crossing Guard (Crosswalk Attendant)	8.61
99630 - Sport Official	10.04
99658 - Survey Party Chief (Chief of Party)	13.32
99659 - Surveying Technician (Instr. Person/Surveyor Asst./Instr.)	11.23
99660 - Surveying Aide	8.20
99690 - Swimming Pool Operator	11.76
99720 - Vending Machine Attendant	10.26
99730 - Vending Machine Repairer	11.76
99740 - Vending Machine Repairer Helper	10.26

ALL OCCUPATIONS LISTED ABOVE RECEIVE THE FOLLOWING BENEFITS:

HEALTH & WELFARE: Life, accident, and health insurance plans, sick leave, pension plans, civic and personal leave, severance pay, and savings and thrift plans. Minimum employer contributions costing an average of \$2.59 per hour computed on the basis of all hours worked by service employees employed on the contract.

VACATION: 2 weeks paid vacation after 1 year of service with a contractor or successor; 3 weeks after 10 years, and 4 after 20 years. Length of service includes the whole span of continuous service with the present contractor or successor, wherever employed, and with the predecessor contractors in the performance of similar work at the same Federal facility. (Reg. 29 CFR 4.173)

HOLIDAYS: A minimum of ten paid holidays per year: New Year's Day, Martin Luther King Jr.'s Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. (A contractor may substitute for any of the named holidays another day off with pay in accordance with a plan communicated to the employees involved.) (See 29 CFR 4.174)

THE OCCUPATIONS WHICH HAVE PARENTHESES AFTER THEM RECEIVE THE FOLLOWING BENEFITS (as numbered):

- 1) Does not apply to employees employed in a bona fide executive, administrative, or professional capacity as defined and delineated in 29 CFR 541. (See CFR 4.156)
- 2) **APPLICABLE TO AIR TRAFFIC CONTROLLERS ONLY - NIGHT DIFFERENTIAL:** An employee is entitled to pay for all work performed between the hours of 6:00 P.M. and 6:00 A.M. at the rate of basic pay plus a night pay differential amounting to 10 percent of the rate of basic pay.
- 3) **WEATHER OBSERVERS - NIGHT PAY & SUNDAY PAY:** If you work at night as part of a regular tour of duty, you will earn a night differential and receive an additional 10% of basic pay for any hours worked between 6pm and 6am. If you are a full-time employed (40 hours a week) and Sunday is part of your regularly scheduled workweek, you are paid at your rate of basic pay plus a Sunday premium of 25% of your basic rate for each hour of Sunday work which is not overtime (i.e. occasional work on Sunday outside the normal tour of duty is considered overtime work).

**** HAZARDOUS PAY DIFFERENTIAL ****

An 8 percent differential is applicable to employees employed in a position that

represents a high degree of hazard when working with or in close proximity to ordnance, explosives, and incendiary materials. This includes work such as screening, blending, dying, mixing, and pressing of sensitive ordnance, explosives, and pyrotechnic compositions such as lead azide, black powder and photoflash powder. All dry-house activities involving propellants or explosives. Demilitarization, modification, renovation, demolition, and maintenance operations on sensitive ordnance, explosives and incendiary materials. All operations involving regarding and cleaning of artillery ranges.

A 4 percent differential is applicable to employees employed in a position that represents a low degree of hazard when working with, or in close proximity to ordnance, (or employees possibly adjacent to) explosives and incendiary materials which involves potential injury such as laceration of hands, face, or arms of the employee engaged in the operation, irritation of the skin, minor burns and the like; minimal damage to immediate or adjacent work area or equipment being used. All operations involving, unloading, storage, and hauling of ordnance, explosive, and incendiary ordnance material other than small arms ammunition.

NOTE: These differentials are only applicable to work that has been specifically designated by the agency for ordnance, explosives, and incendiary material differential pay.

**** UNIFORM ALLOWANCE ****

If employees are required to wear uniforms in the performance of this contract (either by the terms of the Government contract, by the employer, by the state or local law, etc.), the cost of furnishing such uniforms and maintaining (by laundering or dry cleaning) such uniforms is an expense that may not be borne by an employee where such cost reduces the hourly rate below that required by the wage determination. The Department of Labor will accept payment in accordance with the following standards as compliance:

The contractor or subcontractor is required to furnish all employees with an adequate number of uniforms without cost or to reimburse employees for the actual cost of the uniforms. In addition, where uniform cleaning and maintenance is made the responsibility of the employee, all contractors and subcontractors subject to this wage determination shall (in the absence of a bona fide collective bargaining agreement providing for a different amount, or the furnishing of contrary affirmative proof as to the actual cost), reimburse all employees for such cleaning and maintenance at a rate of \$3.35 per week (or \$.67 cents per day). However, in those instances where the uniforms furnished are made of "wash and wear" materials, may be routinely washed and dried with other personal garments, and do not require any special treatment such as dry cleaning, daily washing, or commercial laundering in order to meet the cleanliness or appearance standards set by the terms of the Government contract, by the contractor, by law, or by the nature of the work, there is no requirement that employees be reimbursed for uniform maintenance costs.

**** NOTES APPLYING TO THIS WAGE DETERMINATION ****

Under the policy and guidance contained in All Agency Memorandum No. 159, the Wage and Hour Division does not recognize, for section 4(c) purposes, prospective wage rates and fringe benefit provisions that are effective only upon such contingencies as "approval of Wage and Hour, issuance of a wage determination, incorporation of the wage determination in the contract, adjusting the contract price, etc." (The relevant CBA section) in the collective bargaining agreement between (the parties) contains contingency language that Wage and Hour does not recognize as reflecting "arm's length negotiation" under section 4(c) of the Act and 29 C.F.R. 5.11(a) of the regulations. This wage determination therefore reflects the actual CBA wage rates and fringe benefits paid under the predecessor contract.

Source of Occupational Title and Descriptions:

The duties of employees under job titles listed are those described in the "Service Contract Act Directory of Occupations," Fourth Edition, January 1993, as amended by the Third Supplement, dated March 1997, unless otherwise indicated. This publication may be obtained from the Superintendent of Documents, at 202-783-3238, or by writing to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Copies of specific job descriptions may also be obtained from the appropriate contracting officer.

REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND WAGE RATE (Standard Form 1444 (SF 1444))

Conformance Process:

The contracting officer shall require that any class of service employee which is not listed herein and which is to be employed under the contract (i.e., the work to be performed is not performed by any classification listed in the wage determination), be classified by the contractor so as to provide a reasonable relationship (i.e., appropriate level of skill comparison) between such unlisted classifications and the classifications listed in the wage determination. Such conformed classes of employees shall be paid the monetary wages and furnished the fringe benefits as are determined. Such conforming process shall be initiated by the contractor prior to the performance of contract work by such unlisted class(es) of employees. The conformed classification, wage rate, and/or fringe benefits shall be retroactive to the commencement date of the contract. {See Section 4.6 (C) (vi)} When multiple wage determinations are included in a contract, a separate SF 1444 should be prepared for each wage determination to which a class(es) is to be conformed.

The process for preparing a conformance request is as follows:

- 1) When preparing the bid, the contractor identifies the need for a conformed occupation) and computes a proposed rate).
- 2) After contract award, the contractor prepares a written report listing in order proposed classification title), a Federal grade equivalency (FGE) for each proposed classification), job description), and rationale for proposed wage rate), including information regarding the agreement or disagreement of the authorized representative of the employees involved, or where there is no authorized representative, the employees themselves. This report should be submitted to the contracting officer no later than 30 days after such unlisted class(es) of employees performs any contract work.
- 3) The contracting officer reviews the proposed action and promptly submits a report of the action, together with the agency's recommendations and pertinent information including the position of the contractor and the employees, to the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, for review. (See section 4.6(b)(2) of Regulations 29 CFR Part 4).
- 4) Within 30 days of receipt, the Wage and Hour Division approves, modifies, or disapproves the action via transmittal to the agency contracting officer, or notifies the contracting officer that additional time will be required to process the request.
- 5) The contracting officer transmits the Wage and Hour decision to the contractor.
- 6) The contractor informs the affected employees.

Information required by the Regulations must be submitted on SF 1444 or bond paper.

When preparing a conformance request, the "Service Contract Act Directory of Occupations" (the Directory) should be used to compare job definitions to insure that duties requested are not performed by a classification already listed in the wage determination. Remember, it is not the job title, but the required tasks that determine whether a class is included in an established wage determination. Conformances may not be used to artificially split, combine, or subdivide classifications listed in the wage determination.